

EXHIBIT H

EXHIBIT 9
UNREDACTED VERSION
OF DOCUMENT SOUGHT
TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC.,)
) Civil Action No.
Plaintiff,)
) 5:14-cv-5344-BLF
vs.)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
_____ /

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

PURSUANT TO PROTECTIVE ORDER

VIDEOTAPE DEPOSITION OF MARK EDWARD BERLY

(Taken by Plaintiff)

Chapel Hill, North Carolina

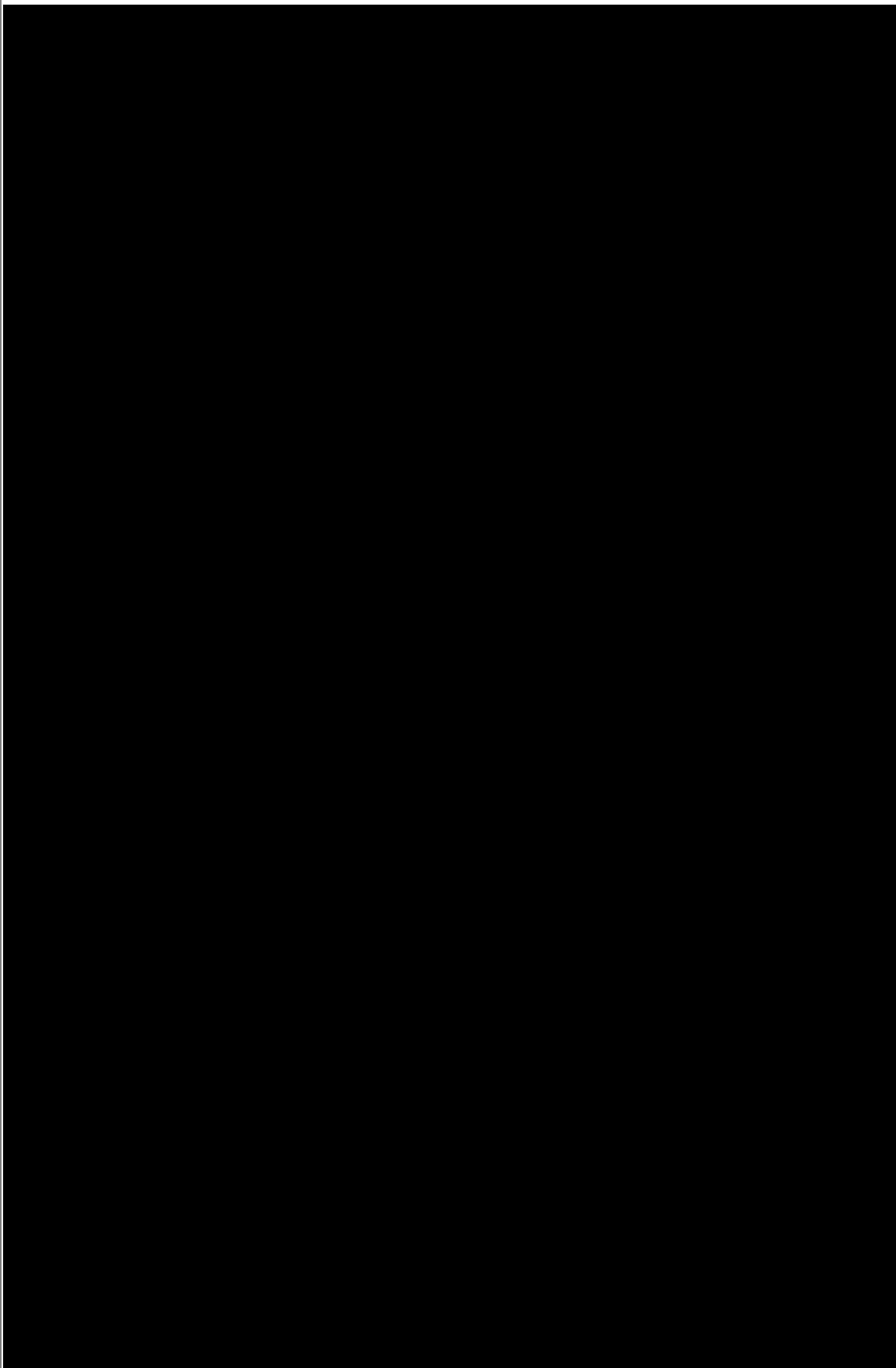
Tuesday, April 5th, 2016

Reported in Stenotype by:

Judy F. Reins, RMR, CRR

Transcript produced by computer-aided transcription

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1 Q. When you say the vendors have to use open
2 standards, what do you mean by that?

3 A. I'll go back to my BGP protocol, just to
4 kind of keep it consistent. You know, for my device
5 to talk to another device, either whether it's one
6 of -- an Arista device talking to an Arista device or
7 an Arista device talking to Cisco or Juniper or
8 whoever, you have to have a standardized way of doing
9 stuff.

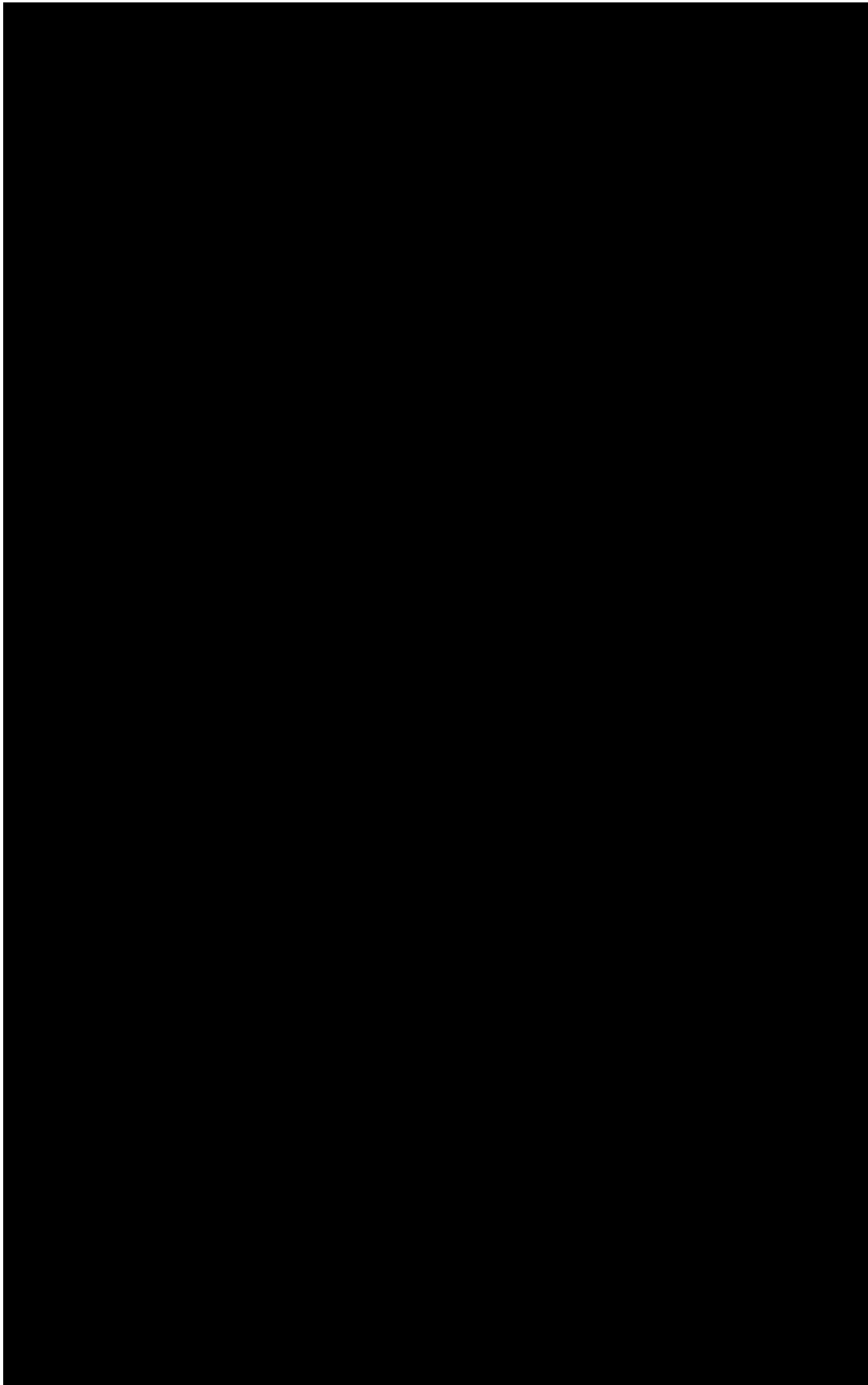
10 So in the routing space with -- say with BGP
11 as an example, you would have a standardized protocol
12 that everybody implements. The protocol in the same
13 way obviously the source code and everything is
14 proprietary. It's something that each company writes,
15 but the way that they talk, the messages that they
16 send are -- should all be the same. Otherwise they
17 couldn't interoperate.

18 Q. Are there any standardized protocols for
19 human machine interaction for network devices?

20 A. Are there any standardized protocols for
21 human -- I don't know of any.

22 Q. When you were talking about the corporate
23 policy about social media, I think one of the things
24 you mentioned was differentiation. Do you remember
25 using that word?

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1 they were using -- you know, they would have to be
2 configured in the proper way so that they could
3 communicate.

4 Q. So if the protocol, for example, specifies
5 what information needs to be in the header of a packet
6 for addressing functionality, let's say, the direct
7 type of interoperability would be whether, you know,
8 one machine can read that addressing information in
9 the header from the packet when it's sent by another,
10 and the indirect would be whether or not the users
11 configure the devices to send and receive packets
12 using the same commands.

13 Is that -- am I understanding the
14 distinction correctly?

15 MR. FERRALL: Objection. The question is
16 vague and ambiguous, compound. You can answer.

17 THE WITNESS: I -- based on my understanding
18 of what you're saying, I believe that we're
19 saying very similar things in that -- maybe if I
20 gave just a very short example, that might help.

21 Let's take a very basic command that, as far
22 as I know, is ubiquities really across every
23 networking operating system out there, and that's
24 IP routing, say. When you enable IP routing
25 without getting too technical for the box to

1 really switch packets from one location to
2 another location, when it's routing, you have to
3 have IP space routing on.

4 If a box as its default, let's just say they
5 had the exact same commands but the default
6 settings were different, so on one box, IP
7 routing is enabled by default. Then on the other
8 box, IP routing is disabled by default. If your
9 understanding was that IP routing is enabled by
10 default, when you get to the other box, you'll
11 never think to look to see if it's enabled
12 because you just assume it is enabled, and that's
13 a very basic functionality that would basically
14 keep the box from working.

15 BY MR. CANNON:

16 Q. And it would keep the box -- to follow up on
17 your example -- well, that wouldn't make sense.

18 So to press on that example a little bit, as
19 long as two different devices sent properly formatted
20 IP packets to one another, would it matter if you
21 turned on IP routing with enable IP routing on one
22 device and set IP routing on the other?

23 MR. FERRALL: Objection, vague and
24 ambiguous, calls for opinion testimony, and
25 incomplete hypothetical. You can answer the

1 question.

2 THE WITNESS: If you knew that those were
3 the commands that were what you were supposed to
4 type, then theoretically, speculatively, if
5 everything worked fine, I would say that they
6 could.

7 BY MR. CANNON:

8 Q. And are you aware of a protocol for
9 machine-to-machine communication that lays out the
10 full set of configuration commands that need to be
11 used to configure that protocol on a given device?

12 MR. FERRALL: Objection, vague and
13 ambiguous.

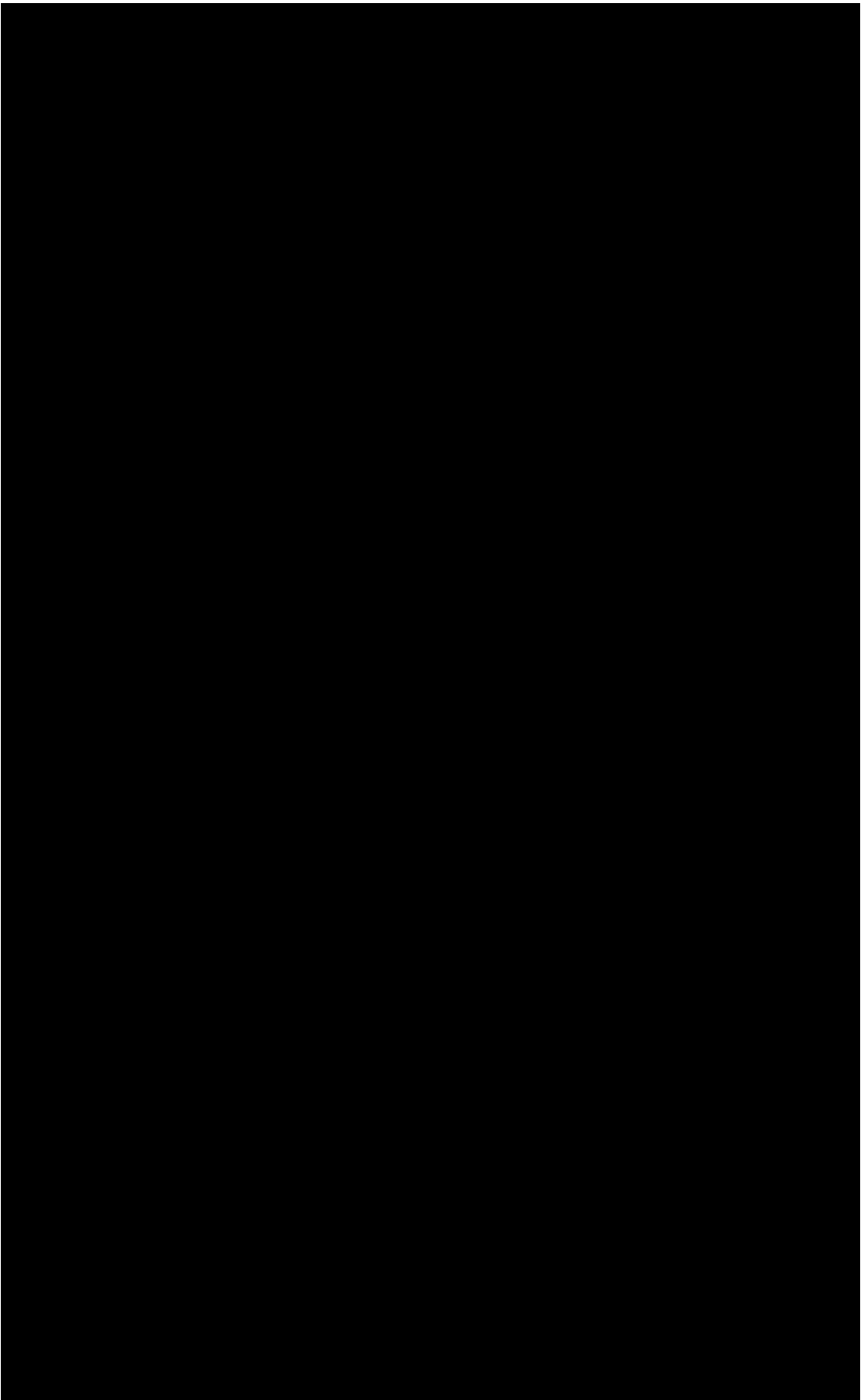
14 THE WITNESS: Yeah, if you could maybe be
15 more specific in what you're talking about. I
16 mean, there's hundreds or thousands or tens of
17 thousands of commands.

18 BY MR. CANNON:

19 Q. I guess that's kind of what I'm getting at
20 is: Are you aware of a protocol that says, you know,
21 you need to type commands A, B, and C in order to
22 implement this protocol?

23 A. Well, I think that's where you're getting
24 into the indirect interface or the human-to-machine
25 interface. And going back to my earlier point that

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1 probably cost customers or cost customers, you know, a
2 lot of time and money getting things deployed.

3 Q. Setting aside the specific context of
4 Exhibit 485, when you were at Cisco, were you aware of
5 a central authority for getting new CLI commands
6 approved?

7 A. There was an alias called "parser police,"
8 and my understanding is it was more of an informal
9 alias. It's not like you got elected to be on parser
10 police. And if somebody wanted to implement a
11 command, they would send it to parser police. That
12 didn't happen many times. I mean, some got sent; many
13 didn't.

14 Q. Did you participate in the parser police?

15 A. I know I subscribed to it. I may have sent
16 a few emails to it. Again, the older I get, the
17 shorter the memory becomes. I apologize.

18 Q. Not something that sticks in your mind these
19 days?

20 A. Yeah, no, it wasn't something I actively
21 pursued. Most of the debates were very trivial in
22 nature and there's a lot of smart people on the alias,
23 and I think many of the debates were really about
24 showing that they were smarter than the other guy and
25 not find any real substance.

1 Q. Like your previous comment about the coders
2 wanting to redo code every time?

3 A. Correct. You know, should we put a space;
4 should we put a dash; should we do this; should we do
5 that. It was very, you know, inconsequential things.

6 Q. Do those kinds of differences, whether you
7 use a space or dash, matter to how commands are
8 interpreted by a network operating system or network
9 device operating system?

10 A. Not to the network device itself. Keep in
11 mind that the commands kind of sit here at the human
12 level, and that's something that the human interprets.
13 On the back side of it, it's going to kick off some
14 process. That process really doesn't care what the
15 command is. The command is for a person.

16 Q. Does the parsing engine that interprets the
17 commands within the operating system care whether or
18 not words are separated by a space or a dash, to use
19 your examples?

20 A. So I'm not an expert on the parser, so, but
21 as an example, here's something that could be highly
22 annoying and it switched -- I've seen this switched
23 before. Show mac, space, address-table; or show
24 mac-address table. So it's the same words, but the
25 hyphen got moved.

1 So if I'm autocompleting, which every
2 network operator does, I mean, like, nobody types the
3 whole command, and -- and so you're typing in "show,"
4 so S-H, mac, or M-A, you know, however short you can
5 get the abbreviation because that's part of being cool
6 as a network operator, getting the shortest, most
7 arcane words you can because that makes -- shows that
8 you're smarter than the next guy. Right?

9 So S-H M-A-C space T-A-B. So show mac tab,
10 so show, but if the space was between mac and address,
11 that would come back as an invalid command because
12 then it would be S-H M-A-C A-D-D dot T-A-B. Does that
13 make sense? So the parser, where a space or hyphen
14 would appear would cause a network operator some
15 consternation, yes.

16 Q. So fair to say that those are trivial
17 differences that were debated on the parser police,
18 but that they impacted the way the parser would
19 actually operate?

20 A. I don't think it impacts the way the parser
21 operates. The parser operates the same no matter
22 what.

23 Q. Fair enough. Let me rephrase. Is it fair
24 to say those are trivial differences that were debated
25 on the parser police but they impacted the way a given

1 command would be interpreted by the parser?

2 A. I believe you could say that. I'm pretty
3 sure I follow the question, yes, but, I mean, think
4 about the headache that causes as an operator. I know
5 that one personally 'cause it made me insane. Based
6 on which version you're running, I can't abbreviate.

7 Q. Do you remember which version it was that
8 caused you the headache?

9 A. I don't remember. I just remember, I wanted
10 to cry several times.

11 Q. Just curious. Let's take a look at another
12 document. Okay. I have to apologize for this one.
13 For some reason, stuff didn't get stapled, so there's
14 an email and the attachments. The email is on top.
15 The attachment is stapled underneath it. I only have
16 one copy. Sorry.

17 A. I see what you're saying.

18 MR. FERRALL: Are you going to mark this as
19 a single exhibit?

20 MR. CANNON: Yes, it's Exhibit 486 --
21 actually, can we go off record for just a second.

22 THE VIDEOGRAPHER: Going off the record.

23 The time is 5:08 p.m.

24 (RECESS TAKEN)

25 (EXHIBIT 486 WAS MARKED FOR IDENTIFICATION)

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